

State Water Resources Control Board
Division of Drinking Water

November 3, 2015
System No.: 5401080

Ms. Saeeda Pyarali, Owner
Lake Express Market
28779 Hwy 190
Porterville, CA 93257

RE: Citation No. 03-24-15C-067
Violation of Title 22, California Code of Regulations, Section 64432.1(a),
For July 1, 2014 through September 30, 2015

Dear Ms. Pyarali:

Enclosed is a Citation issued to the Lake Express Market (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at \$153.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specific enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Lake Express Market water system for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact the Tulare District office at (559) 447-3300.

Sincerely,



Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

CJF/MRC

cc: Tulare County Environmental Health Division

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2
3 **CALIFORNIA**
4 **STATE WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**
6

7 **TO: LAKE EXPRESS MARKET**
8 Water System No. 5401080

9 **ATTN:** Saeeda Pyarali, Owner
10 28779 Hwy 190
11 Porterville, CA 93257

12 **CITATION FOR NONCOMPLIANCE**
13 **OF**
14 **CALIFORNIA HEALTH AND SAFETY CODE SECTION 116650(a)**
15 **AND**
16 **TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64432.1(a)**
17 **NITRATE MONITORING AND REPORTING REQUIREMENTS**

18 **July 1, 2014 – September 30, 2015**

19 **Issued November 3, 2015**

20 The State Water Resources Control Board (hereinafter "Board"), acting by and through its
21 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
22 (hereinafter "Deputy Director"), hereby issues this citation (hereinafter "Citation") pursuant to
23 Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to Lake
24 Express Market (hereinafter "Water System") and its owner of record, Saeeda Pyarali, for
25 violation of CHSC Section 116550(a) and Title 22, California Code of Regulations
26 (hereinafter "CCR"), Section 64432.1(a).
27

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

CHSC, Section 116550 states in relevant part:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

CCR, Title 22, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR, Section 64432.1 (a) states in relevant part:

- (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.
- (1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the Division of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:
- Collect another sample, and
 - Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the Division within 24 hours. If the average does not exceed the MCL, inform the Division of the results within **seven days from the receipt of the original analysis.**
 - If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.
- (2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the Division reduce monitoring frequency to annual sampling.

STATEMENT OF FACTS

The Water System has failed to report a nitrate result for the 3rd quarter 2014 through the 3rd quarter of 2015 for the following active source:

TABLE 1

Source Name	Primary Station Code
Well 01	5401080-001

The Lake Express Market water system (hereinafter "Water System") is a privately owned transient noncommunity water system located in Tulare County that supplies water for domestic purposes to approximately 25 individuals through approximately 4 service connections. The Water System is a transient noncommunity public water system as defined in CHSC, section 116275.

The Water System utilizes groundwater as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. All public water systems must comply with the monitoring and reporting requirement for nitrate, as established in Title 22 CCR Section 64432.1, in order to determine if they are in compliance with the maximum contaminant level for nitrate of 10 mg/L (as N).

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record have has violated CHSC, Section 116550 and Section 64432.1(a) in that the Water System failed to report nitrate results for the 3rd quarter of 2014, 4th quarter of 2014, 1st quarter of 2015, 2nd quarter of 2015 and the 3rd quarter of 2015.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. By **November 30, 2015**, the Lake Express Market water system shall provide public notification of the nitrate monitoring and reporting procedural failure by **posting the notice provided as Attachment A in conspicuous locations throughout the area served by the Water System for a minimum of seven days**. The Water System is additionally required to use one or more of the following notification methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to customers, e-mailing the public notice to water system customers, post the public notice on the internet, or by delivery to each employee or customer.
2. Within ten days of Directive No. 1, the Water System shall provide to the Division proof of notification of the nitrate monitoring and reporting violations using Attachment B. Upon completion of the public notification, Attachment B and a copy of Attachment A shall be submitted to:

Chad Fischer, Senior Sanitary Engineer
Tulare District
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704
3. The Water system shall ensure that monitoring is conducted **quarterly** for nitrate from its active source.
4. The Water System shall collect the quarterly nitrate sample from its active source by **December 31, 2015**.

- 1 5. The Water system shall ensure that the laboratory submits the analytical results to the
2 Division using the Electronic Data Transfer (EDT) no later than the 10th day of the month
3 following completion of the analyses.
4

5
6 **PARTIES BOUND**
7

8 This Citation shall apply to and be binding upon Lake Express Market, its owners,
9 shareholders, officers, directors, agents, employees, contractors, successors, and
10 assignees.
11

12 **SEVERABILITY**
13

14 The Directives of this Citation are severable, and Water System and its owner of record shall
15 comply with each and every provision hereof, notwithstanding the effectiveness of any other
16 provision.
17

18 **FURTHER ENFORCEMENT ACTION**
19

20 The California SDWA authorizes the Board to: issue a citation with assessment of
21 administrative penalties to a public water system for violation or continued violation of the
22 requirements of the California SDWA or any regulation, permit, standard, citation, or order
23 issued or adopted thereunder including, but not limited to, failure to correct a violation
24 identified in a citation or compliance order. The California SDWA also authorizes the Board
25 to take action to suspend or revoke a permit that has been issued to a public water system if
26 the public water system has violated applicable law or regulations or has failed to comply
27 with an order of the Board; and to petition the superior court to take various enforcement

measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Citation.

11/3/2015

Date



Chad Fischer, P.E., District Engineer
Tulare District
State Water Resources Control Board
Division of Drinking Water

Attachment A: Tier 2 Public Notice
Attachment B: Proof of Public Notification

Certified Mail No. 7014 3490 0001 7868 8033



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Nitrate Monitoring and Reporting Requirements Not Met for Lake Express Market

Our water system failed to monitor as required for nitrate during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During July 1, 2014 through September 30, 2015, we did not monitor for nitrates and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Nitrate	One sample every quarter	None	Quarterly	By December 31, 2015

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact Sayeeda Pyarali at 559-789-9137 or 28779 Hwy 190, Porterville, CA 93257.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Lake Express Market.

State Water System ID#: ____5401080____. Date distributed: _____.

PROOF OF NOTIFICATION
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Lake Express Market** of the failure to meet the **monitoring and reporting requirement for nitrate monitoring from July 1, 2014 through September 30, 2015** as directed by the Division. At least one primary distribution method is required along with a second method in order to reach persons not likely to be reached by a mailing, direct delivery or posting:

Notification was made on _____.
(date)

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

- ☐ The notice was distributed by mail delivery to each customer served by the water system.
- ☐ The notice was distributed by direct delivery to each customer served by the water system. Specify direct delivery method(s) used: _____
- ☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).
- ☐ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). _____
- ☐ Email message to employees or students. _____
- ☐ Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: _____

Date: _____ Signature: _____